

ASSEMBLY BILL

No. 1120

Introduced by Assembly Member Mansoor

February 18, 2011

An act to amend Section 1250.4 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1120, as introduced, Mansoor. Correctional health care facilities.

Under existing law, the State Department of Public Health licenses and regulates health care facilities. Under existing law, the Department of Corrections and Rehabilitation and the Division of Juvenile Facilities, Department of Corrections and Rehabilitation, have jurisdiction over health care facilities in institutions, as defined, that are subject to specific requirements for operation and control of communicable, contagious, or infectious diseases.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1250.4 of the Health and Safety Code is
- 2 amended to read:
- 3 1250.4. (a) As used in this section:
- 4 (1) "Department" means the Department of Corrections *and*
- 5 *Rehabilitation* or the ~~Department of the Youth Authority Division~~

1 *of Juvenile Facilities, Department of Corrections and*
2 *Rehabilitation.*

3 (2) “Communicable, contagious, or infectious disease” means
4 ~~any~~ a disease that is capable of being transmitted from person to
5 person, with or without contact, and, as established by the State
6 Department of ~~Public Health Services~~ pursuant to Section 120130,
7 and Section 2500 et seq. of Title 17 of the California Code of
8 Regulations.

9 (3) “Inmate or ward” means ~~any~~ a person incarcerated within
10 the jurisdiction of the Department of Corrections *and Rehabilitation*
11 or the ~~Department of the Youth Authority~~ *Division of Juvenile*
12 *Facilities, Department of Corrections and Rehabilitation*, with the
13 exception of a person on parole.

14 (4) “Institution” means ~~any~~ a state prison, camp, center, office,
15 or other facility under the jurisdiction of the ~~Department of~~
16 ~~Corrections or the Department of the Youth Authority~~ *department.*

17 (5) “Medical director,” “chief of medical services,” or “chief
18 medical officer” means the medical officer, acting medical officer,
19 medical director, or the physician designated by the department
20 to act in that capacity, who is responsible for directing the medical
21 treatment programs and medical services for all health services
22 and services supporting the health services provided in the
23 institution.

24 (b) Each health care facility in the ~~Department of Corrections~~
25 ~~and in the Department of the Youth Authority~~ *department* shall
26 have a medical director in charge of the health care services of
27 that facility who shall be a physician and surgeon licensed to
28 practice in California and who shall be appointed by the directors
29 of the departments. The medical director shall direct the medical
30 treatment programs for all health services and services supporting
31 the health services provided in the facility.

32 (c) The medical director, chief of medical services, chief
33 medical officer, or the physician designated by the department to
34 act in that capacity, shall use every available means to ascertain
35 the existence of, and to immediately investigate, all reported or
36 suspected cases of any communicable, contagious, or infectious
37 disease and to ascertain the source or sources of the infections and
38 prevent the spread of the disease. In carrying out these
39 investigations, the medical director, chief of medical services,
40 chief medical officer, or the physician designated by the department

1 to act in that capacity, is hereby invested with full powers of
2 inspection, examination, and quarantine or isolation of all inmates
3 or wards known to be, or reasonably suspected to be, infected with
4 a communicable, contagious, or infectious disease.

5 (d) The medical director, chief of medical services, chief
6 medical officer, or the physician designated by the department to
7 act in that capacity, shall order an inmate or ward to receive an
8 examination or test, or may order an inmate or ward to receive
9 treatment if the medical director, chief of medical services, chief
10 medical officer, or the physician designated by the department to
11 act in that capacity, has reasonable suspicion that the inmate or
12 ward has, has had, or has been exposed to a communicable,
13 contagious, or infectious disease and the medical director, chief
14 of medical services, chief medical officer, or the physician
15 designated by the department to act in that capacity, has reasonable
16 grounds to believe that it is necessary for the preservation and
17 protection of staff and inmates or wards.

18 (e) Notwithstanding Section 2600 or 2601 of the Penal Code,
19 or any other provision of law, ~~any~~ *an* inmate or ward who refuses
20 to submit to an examination, test, or treatment for ~~any~~ *a*
21 communicable, contagious, or infectious disease or who refuses
22 treatment for ~~any~~ *a* communicable, contagious, or infectious
23 disease, or who, after notice, violates, or refuses or neglects to
24 conform to ~~any~~ *a* rule, order, guideline, or regulation prescribed
25 by the department with regard to communicable disease control
26 shall be tested involuntarily and may be treated involuntarily. This
27 inmate or ward shall be subject to disciplinary action as described
28 in Title 15 of the California Code of Regulations.

29 (f) This section shall not apply to HIV or AIDS. Testing,
30 treatment, counseling, prevention, education, or other procedures
31 dealing with HIV and AIDS shall be conducted as prescribed in
32 Title 8 (commencing with Section 7500) of Part 3 of the Penal
33 Code.

34 (g) This section shall not apply to tuberculosis. Tuberculosis
35 shall be addressed as prescribed in Title 8.7 (commencing with
36 Section 7570) of the Penal Code.